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April 27, 2007

Via Email and First Class Mail

John A. Carrigan, Section Chief
Solid Waste Management
DEP-Northeast Regional Office
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Wilmington, MA 01887

Matthew C. Ireland, Esq.
Assistant Attorney General
Environmental Protection Division
Attorney General's Office
100 Cambridge Street, 10th Floor
Boston, MA 02114

Re: New Ventures Associates, LLC; Force Majeure re: Tarps

Dear Mr. Carrigan and Attorney Ireland:

This office represents New Ventures Associates, LLC ("New Ventures"). This letter is written in compliance with the Force Majeure provisions of Paragraph 16 of the Preliminary Injunction (the "Order"). Paragraph 1(j) of the Order requires New Ventures to keep inactive areas of the Landfill covered with impervious tarps at least 11mm thick in accordance with the Appendix B protocol. The tarps are secured with sandbags. As the Department is well aware, the constant wind and inclement weather, coupled with the sloping of the Landfill have made it almost impossible to maintain the tarps in accordance with the Order. The gale force winds that have hit the area on at least four (4) occasions have resulted in tarps ripping and often being blown away. The Department has also cited litter concerns.

This letter is also a follow up to discussions this month providing notice that we seek to substitute the use of tarps with soils. With respect to maintenance of the tarps, pursuant to Paragraph 1(j) of the Order, New Ventures states:

1. The work requires New Ventures to maintain the tarps for all inactive areas.
2. New Ventures is unable to maintain the tarps due to constant heavy winds and weather.

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As a result of these conditions, New Ventures seeks to substitute six (6) inches of soil on all inactive areas. New Ventures will complete this work within several days of Department approval, weather permitting.

New Ventures remains available to answer any questions.

Thank you.

Sincerely,

Richard A. Nysten, Jr.

RAN/kad

cc: Michael W. Dingle, Esq.
Mr. William Thibeault
Mr. Michael Quatromoni